

Application No. 10/527,678
Response 2

REMARKS/ARGUMENTS

Prior to this amendment, claims 181-206 were pending. By the foregoing amendment, independent claim 181 has been amended to clarify the invention being claimed, dependent claims 184-186 have been cancelled in view of the amendments to claim 181, the language of dependent claim 191 has been clarified and the dependencies of claims 187, 194 and 203-206 have been corrected/updated. No new matter has been added. Reconsideration is respectfully requested.

Drawing Objections

In the Office Action, Figures 3, 4 and 6-9 were objected to on grounds that they lack a drawing legend. However, Figure 4 appears to be complete as originally submitted but Figure 5 is a graph that could include a legend. Thus, it is believed that the reference to Figure 4 in the Office Action was intended to be a reference to Figure 5. Accordingly, attached to this paper are replacement drawing sheets wherein legends have been added to Figures 3, 5 and 6-9. Acceptance of these amended drawings and withdrawal of the stated drawing objections is respectfully requested.

Specification Objection

In the Office Action, the specification was objected to on grounds that it contains a hyperlink or other executable code at page 12, line 5. However, Applicants' counsel has examined the document and has not located any hyperlink or other executable code at page 12, line 5 or at any other location in the document. If the Examiner confirms that this objection is indeed proper, the Examiner is invited to contact Applicants' undersigned counsel and to provide further information as to the location of the perceived hyperlink or code to enable Applicant to file an appropriate amendment to the specification or substitute specification.

Claim Objections

In the Office Action, claim 184 was objected to on grounds that it recites non-elected inventions. By the foregoing amendment, claim 184 has been cancelled. The list of Sequence ID

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numbers recited in original claim 184 has been amended into independent claim 1 along with a Markush recitation of various materials of the support surface. Applicant had previously made a provisional election of the species of Sequence ID #2. The objection to claim 184 would seem to indicate that restriction to the elected species had been invoked. However, if such is the case, rejoinder of the non-elected species (i.e., the other sequences listed in original claim 184) is believed to be appropriate in view of the fact that the amendment to independent claim 181 includes not only a recitation of the sequence ID numbers but also a recitation of the support surface materials. This combination is believed to be novel and unobvious irrespective of which of the claimed amino acid sequences is used.

In the Office Action, claim 186 was objected to only with respect to an incorrect status identifiers used in the previously filed amendment. This objection is now moot.

Also in the Office Action, claim 205 was objected to on ground of incorrect dependency. By the foregoing amendment, the dependency of claim 205 has been corrected.

35 U.S.C. §102/§103 Rejections

In the Office Action, all claims (except for claim 184 which was not mentioned in the Office Action) were rejected as being anticipated by or obvious over one or more of the Tjernberg et al., Prusiner et al., Solomon et al., Garzon-Rodriguez et al., Goyal et al. and Wolf et al. However, none of these cited references, taken alone or in combination, describes or renders obvious the invention recited in Applicants' presently amended claims.

As amended, independent claim 181 recites a composition comprising an isolated conformational epitope of an amyloid which a) forms in a human or animal and b) contributes to amyloid disease, wherein the epitope is affixed to a curved or flat support surface to thereby constrain the epitope in a conformation that will result in recognition of the epitope by a desired antibody and wherein the composition comprises an amino acid sequence selected from the group consisting of SEQ ID NO. 1, SEQ ID NO. 2, SEQ ID NO. 3, SEQ ID NO. 4, SEQ ID NO. 5, SEQ ID NO. 6, SEQ ID NO. 7, SEQ ID NO. 8, SEQ ID NO. 9 and mixtures thereof and additionally wherein the support surface comprises a material selected from; gold, zinc, cadmium, tin, titanium, silver, selenium, gallium, indium, arsenic, silicon, mixtures thereof and

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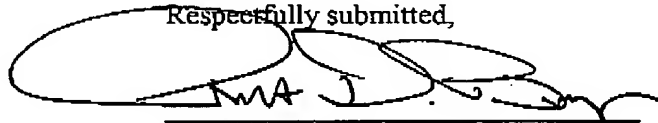
combinations thereof. None of the cited references describes or suggests a composition that comprises at least one of Sequence ID Nos. 1-9 and an epitope that is affixed to a curved or flat support surface to thereby constrain the epitope in a conformation that will result in recognition of the epitope by a desired antibody, wherein the support surface comprises gold, zinc, cadmium, tin, titanium, silver, selenium, gallium, indium, arsenic and/or silicon. Accordingly, for this reason (and possibly other reasons not specifically articulated here) the composition recited in independent claim 181 is novel and unobvious over the prior art references cited in the Office Action.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and issuance of a notice of allowance is earnestly solicited. A three (3) month extension is hereby petitioned for pursuant to 37 C.F.R. 1.136 and the Commissioner is hereby authorized to deduct the small entity fee for extension as well as any other fee properly deemed to be due in connection with the filing of this response from Deposit Account No. 50-0878. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, the Examiner is invited to contact the undersigned at telephone (949) 450-1750.

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Respectfully submitted,



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